

Notice of Allowability	Application No.	Applicant(s)	
	09/950,016	WARRINGTON ET AL.	
	Examiner	Art Unit	
	Diana B. Johannsen	1634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the after final amendment of 17 February 2006 and the interview of 09 March 2006.
2. ☒ The allowed claim(s) is/are 1,2,7-14,18-25 and 37.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>part of 20060306</u>. 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
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EXAMINER'S AMENDMENT

1. This action is responsive to the after final Amendment filed February 17, 2006 (which amendment has been entered), and the telephone interview conducted March 9, 2006. Claims 1-2, 7-14, 18-25, and 37 are now allowed, subject to the below Examiner's amendment.

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John P. Iwanicki on March 9, 2006.

3. In accordance with 37 C.F.R. 1.126, allowed claims 1-2, 7-14, 18-25 and 37 will be renumbered as claims 1-19, respectively (see MPEP 608.01(j)). Original claim numbers are employed in the amendment below.

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4. The application has been amended as follows:

a) **Amend the claims as follows:**

In claim 2, at line 3, after "normal," insert—oral--.

In claim 7, at line 9, delete "the group of markers associated with oral cancer is encoded by a group of genes comprising" and insert therefore—the marker is encoded by a gene selected from--.

In claim 7, at line 14, after "kinase 6" delete "or" and insert therefore—and--.

In claim 11, at line 9, after "nucleic acids" delete "to relative" and insert therefore—relative to--.

In claim 22, at lines 8-9, delete "the group of markers associated with oral cancer is encoded by a group of genes comprising" and insert therefore—the marker is encoded by a gene selected from--.

In claim 22, at line 13, after "kinase 6" delete "or" and insert therefore—and--.

b) **Amend the specification as follows:**

At page 1, please amend the "RELATED APPLICATIONS" paragraph as follows:

The present application claims priority to U.S. Provisional Application No. 60/231,057, filed on September 8, 2000, ~~which is hereby incorporated herein by reference.~~

Substance of the Interview of March 9, 2006

5. On March 9, 2006 the examiner contacted applicant's representative to propose additional amendments to the claims that would further clarify the claimed invention and place the application in condition for allowance. Agreement was reached, and claims 1-2, 7-14, 18-25, and 37 are therefore allowed, subject to an examiner's amendment. Applicant's representative also authorized the examiner to delete the "incorporation by reference" of applicant's provisional application 60/231,057 (which was added by amendment in January 2002).


Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diana B. Johannsen whose telephone number is 571/272-0744. The examiner can normally be reached on Monday and Thursday, 7:30 am-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla can be reached at 571/272-0735. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Diana B. Johannsen
Primary Examiner
Art Unit 1634